

# Notice of Allowability

Application No.

10/721,119

Examiner

Janet L. Coppins

Applicant(s)

PERRAULT, WILLIAM R.

Art Unit

1626

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' Preliminary Amendment of November 25, 2003.
2. ☒ The allowed claim(s) is/are 26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 11/25/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

Claim 26 is pending in the instant application.

#### ***Information Disclosure Statement***

1. Receipt is acknowledged of Applicants' Information Disclosure Statement (IDS), filed November 25, 2003, which has been considered by the Examiner. Please refer to the copy of Applicants' PTO-1449 form submitted herewith.

#### ***Response to Amendment***

2. Receipt is acknowledged of Applicants' Preliminary Amendment, November 25, 2003, which has been reviewed by the Examiner and entered of record in the file.

3. Accordingly, claims 1-25 have been cancelled.

#### ***Allowable Subject Matter***

4. Claim 26 is allowable, newly renumbered as claim 1.

The following is an examiner's statement of reasons for allowance:

This invention relates to a novel method of preparing a morpholinyl-methyl-dihydro-quinoxaliny compound according to formula IV of claim 26. This application is a Divisional of U.S. Appl. No. 10/325,248, now U.S. Pat. No. 6,686,356. The instant claimed method is found allowable because certain quinoxaliny compounds are known in the art as anti-viral agents, however, the intermediate of formula IV is novel, therefore, its method of preparation is also novel and unobvious. The closest of prior art fails to teach or render obvious the preparation of the aforementioned compounds that contain the same morpholinyl-methyl-quinoxaliny moiety. For example, U.S. Pat. No. 5,792,774 (Haughan et al) discloses the synthesis of similar quinoline compounds, however the '774 patent does not teach the same quinoxaliny intermediate

Art Unit: 1626

compound or its process of preparation. Therefore, the prior art of record does not teach or fairly suggest the instant claimed compound of formula IV or its preparation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Telephone Inquiry*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet L. Coppins whose telephone number is 571.272.0680. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on 571.272.0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Janet L. Coppins  
December 8, 2005

KAMAL A. SAEED, PH.D.  
PRIMARY EXAMINER

*for* Kamal Saeed  
Joseph K. McKane  
SPE, Art Unit 1626